IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Crl.MC.No. 3377 of 2007()

CC.1148/2000 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
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PETITIONER: ACCUSED:

K.S.REMADEVI, W/O. CHANDRA DUTH,
RAM NIVAS, KUTHIYATHODU P.O., CHERTHALA.

BY ADV. SMT.N.SINDHU

RESPONDENTS: COMPLAINANT/STATE:
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1. **STATE OF KERALA, REPRESENTED BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. **G.MANI,**
   FLAT NO.54, KUDUMBI COLONY, HOUSE NO.37/834,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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Crl.M.C.No. 3377 of 2007

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Dated this the 7th day of November, 2007

ORDER

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instrument Act. The petitioner had entered appearance and was granted bail. Consequent to non-appearance of the petitioner on 2.11.07 when the matter was posted for 313 examination, a warrant of arrest has been issued by the learned Magistrate. That warrant of arrest is chasing her. According to the petitioner she is absolutely innocent. Her absence on 2.11.07 was not wilful. She is willing to surrender before the learned Magistrate but she apprehends that her application for bail may not be considered by the learned Magistrate, in accordance with law and expeditiously. She therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release her on bail when she appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. The learned Magistrate must consider

such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C. is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

4. In the peculiar facts and circumstances of the case, it is directed that warrant of arrest issued against the petitioner shall not be executed till 19.11.07. On or before that date the petitioner shall appear before the learned Magistrate and seek regular bail.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE